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## REMARKS

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35 U.S.C. §103(a) RejectionsSawyer (U.S. 3,357,033) in view of Bock '831:

Claims 33 - 39, 42 - 52, and 55 - 56 are rejected under 35 U.S.C. §103(a) as obvious over U.S. 3,357,033 issued to Sawyer (hereinafter "Sawyer") in view of Bock '831 for the reasons of record stated at pages 2 - 8 of the Office Action. Applicants respectfully traverse this rejection.

To establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference. Second, there must be a reasonable expectation of success. Third, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. MPEP 2142 citing *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Sawyer purports to relate to a cleaning tool which utilizes a source of sonic energy in the lower sonic range. [See column 1, lines 10 - 15 and lines 50 - 55 of Sawyer]. Bock '831 teaches an ultrasonic toothbrush for removing plaque and tartar from teeth. The cleaning tool taught by Sawyer does not utilize ultrasonic energy. Furthermore, as acknowledged by the Examiner on page 6 of the Office Action, Sawyer does not disclose having a cleaning head surface greater than about 6.25 cm<sup>2</sup> or any cleaning head surface dimension. Yet further as acknowledged by the Examiner, Sawyer does not disclose a power output of at least about 0.02 watts/cm<sup>2</sup> or any power output. Yet further, Sawyer does not teach or suggest a cleaning device having *inter alia* a transducer means having an average oscillating frequency of from about 1000 Hz to about 100 KHz.

On page 4 of the Office Action, the Examiner indicates that "*Sawyer states that there is an energy output of between 45 and 70 watts in Column 3 lines 53 - 54, so the maximum surface area to have a power output of 0.02 watts/cm<sup>2</sup> is 3500 cm<sup>2</sup>*". Applicants do not understand how the Examiner arrived at the conclusion that the maximum surface area to have a power output of 0.02 watt/cm<sup>2</sup> is 3500 cm<sup>2</sup>. Applicants respectfully request clarification. Furthermore, Applicants request clarification as to where this is disclosed within Sawyer.

On page 4 of the Office Action, the Examiner asserts with regard to Bock '831, that "*the transducer means has an average ultrasonic oscillating frequency of from about 1000 Hz to about 100 kHz*". Applicants disagree with this assertion as there is no such teaching either expressly or impliedly in Bock '831. This assertion is based on an impermissible hindsight reconstruction of Applicants' claimed invention as the assertion has been gleaned directly from Applicants' disclosure. The Examiner may not read Applicants' claim limitations into Bock '831 as this is impermissible as hindsight reconstruction of the prior art. [See MPEP §2142].

Additionally, on page 4 of the Office Action, the Examiner indicates that this assertion is based on the title of Bock '831 which includes the word "ultrasonic" in it (i.e.; the title of Bock

'831 is "Therapeutic Ultrasonic Toothbrush"). Applicants disagree with this assertion. As Applicants indicated above, there is no teaching either expressly or impliedly in Bock '831 that suggests *inter alia* a transducer means having an average oscillating frequency of from about 1000 Hz to about 100 kHz. Hence, as a prima facie case of obviousness has not been made, the rejection of Claims 33 – 36, 38 – 39, 42 – 51, and 55 over Sawyer in view of Bock '831 is improper. Applicants respectfully request that this rejection be reconsidered and withdrawn.

**Sawyer in view of Bock '831:**

Claims 53, 54, 57, and 58 are rejected under 35 U.S.C. §103(a) as obvious over Sawyer in view of Bock '831 for the reasons of record stated on pages 5 - 8 of the Office Action. The Office Action indicates that "*Sawyer and Bock disclose all elements regarding the device as stated above however do not disclose instructions for using the product*". Applicants agree that Sawyer does not disclose instructions for using the product but disagree with the Examiner's assertion that Sawyer in view of Bock '831 discloses all elements regarding the device. As Applicants have indicated in the discussion of Sawyer in view of Bock '831 above, Sawyer in view of Bock '831 does not disclose Applicants' claimed frequency range of from about 1000 Hz to about 100 kHz. Additionally, Sawyer in view of Bock '831 does not disclose any cleaning head surface dimensions let alone a cleaning head surface greater than 6.25cm<sup>2</sup>. Yet further, Sawyer in view of Bock '831 does not disclose or suggest a power output of at least about 0.02 watts/cm<sup>2</sup> or any power output. Hence, as Claims 53, 54, 57, and 58 are not obvious over Sawyer in view of Bock '831, Applicants respectfully request that the Examiner withdraw this rejection.

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## SUMMARY

This is an RCE responsive to the final Office Action dated June 26, 2006. A one-month extension of time is requested to respond to this Office Action. As the rejections under 35 U.S.C. §103 have been overcome, it is believed that the claims are in condition for allowance. Applicants respectfully request the rejections be reconsidered and withdrawn and the claims allowed.

Respectfully submitted,  
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